



POST BOARD ACTION AGENDA

Meeting of the Cook County Board of Commissioners

County Board Room, County Building

Tuesday, May 17, 2011, 10:00 A.M.

ATTENDANCE

Present: President Preckwinkle and Commissioners Beavers, Butler, Collins, Daley, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Sims, Suffredin and Tobolski (16).

Absent: Commissioner Steele (1).

(Matters referred to Committee are available from the Secretary to the Board of Commissioners)

POST BOARD ACTION AGENDA

**Meeting of the Cook County Board of Commissioners
County Board Room, County Building
Tuesday, May 17, 2011, 10:00 A.M.**

PRESIDENT

PROPOSED ORDINANCE AMENDMENT

ITEM #1

REFERRED TO THE COMMITTEE ON CONTRACT COMPLIANCE #312738

Submitting a Proposed Ordinance Amendment sponsored by

TONI PRECKWINKLE, President, Cook County Board of Commissioners

PROPOSED ORDINANCE AMENDMENT

**MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISE
CONSTRUCTION ORDINANCE**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Division 6 Minority- and Women-Owned Business Enterprises, Subdivision 2 Construction Interim Ordinance, Sections 34-286 through 34-303 of the Cook County Code is hereby amended as follows:

Sec. 34-286. Title.

This subdivision shall be known as the "Minority- and Women-Owned Business Enterprise Construction ~~Interim~~ Ordinance" and may be cited as such.

Sec. 34-287. Recitals.

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to Ordinance No. 06-O-48 are full, true and correct and do incorporate them into this subdivision by this reference.

Sec. 34-288. Findings of discrimination.

The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F. Supp. 2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005); (ii) ~~County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's contracting awards;~~ (iii) the Report titled, "~~Review of Compelling Evidence of Discrimination Against Minority and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;~~" "The Status of Minority- and Women Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois," submitted by Colette Holt & Associates, and NERA Economic Consulting, and dated June 22, 2010 (the "NERA Study"); ~~as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's construction marketplace; and (v) receiving and considering written reports;~~ adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in County construction contracting:

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(a) The County of Cook seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in County construction contracting opportunities;

(b) ~~Since~~ After the County's affirmative action program as it relates to construction projects was declared unconstitutional in 2000, the County has witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation;

(c) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned ~~a~~ and reviewed the NERA Study on the levels of M/WBE participation in County contracts, has reviewed the report prepared indicating evidence of discrimination in County construction contracts and has considered the evidence in relevant case law;

(d) In the absence of M/WBE participation goals the County ~~has witnessed a drastic decline in M/WBE participation in its construction contract below the availability of such firms and thus would be a passive participant in a discriminatory marketplace without the use of such M/WBE goals;~~

(e) ~~The County has a compelling interest in preventing discrimination; and~~ The NERA Study made recommendations for a revised Minority and Women owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race and gender neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program;

(f) The County ~~has a compelling interest in preventing discrimination and~~ desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

Sec. 34-289. Public purpose.

It is hereby found, determined and declared that the purpose of this ~~Interim~~ Ordinance is to ~~take steps to~~ ensure the full and equitable participation of Minority- and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's construction contracts. The County is committed to a policy of preventing discrimination in the award of or participation in construction contracts and has recommended appropriate ~~affirmative action steps to be taken~~ narrowly tailored remedies to eliminate any such discrimination.

Sec. 34-290. Applicability.

This subdivision shall apply to all construction contracts funded in whole or in part by County funds, regardless of the sources of other funds; provided that any contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

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Sec. 34-291. Severability.

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

Sec. 34-292. Definitions.

The following terms shall have the following meanings:

Affiliate of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships.

Annual Participation Goals mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

Business means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

Certified Firm means a firm that has been accepted by the County as a certified MBE or WBE.

County means the County of Cook and its participating User Departments.

County's Marketplace means the Metropolitan Statistical Area for Chicago, as established by the Bureau of the Census, currently the counties of Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will.

Contractor means any ~~person or business entity~~ Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners and Affiliates ~~and Joint Ventures of such person or entity~~ Business.

Commercially Useful Function means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities as a Joint Venture partner.

Compliance Contract Director or "CC Director" means the ~~of the Office of~~ Contract Compliance Administrator Director.

Doing Business means having a physical location from which to engage in for profit activities in the scope(s) of expertise of the ~~firm~~ Business.

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Economically Disadvantaged means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2007.

Expertise means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the ~~firm~~ Business, as defined by normal industry practices, including licensure where required.

Good Faith Efforts means actions undertaken by a Contractor to achieve a ~~an~~ MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

Joint Venture means an association of two or more ~~persons, or any combination of types of business enterprises and persons numbering two or more~~, Businesses proposing to perform a ~~single~~ for profit business enterprise, ~~in which each Joint Venture partner contributes property, capital, efforts, skill and knowledge, and in which the Certified Firm is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the Joint Venture are equal to its ownership interest.~~ Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

Local Business means a ~~business entity~~ Business located within the County's Marketplace which has the majority of its regular, full time work force located within the County's Marketplace.

Local Small Business means a Local Business which is also a Small Business.

Manufacturer means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

Minority Business Enterprise (MBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity~~ Business:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more ~~such more~~ Minority Individuals;
- (3) Which performs a Commercially Useful Function;

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- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Minority Individual means ~~a person~~:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, ~~or other Spanish or Portuguese culture or origin, regardless of race~~;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans, which includes ~~(persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent)~~; or
- (5) Individual members of other groups, including but not limited to Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.

Owned means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

Personal Net Worth means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE, provided that the other firm is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

Program means the ~~Interim~~ Program established by the Minority- and Women- Owned Business Enterprise Interim Ordinance.

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Project Specific Goals means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

Regular Dealer means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular ~~business~~ Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

Small Business means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

Socially Disadvantaged means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

User Department means the department of the County or elected official responsible for initiating the procurement process.

Utilization Plan means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

Woman means a person of the female gender.

Woman-Owned Business Enterprise (WBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:~~

- (1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;

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- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Sec. 34-293. Program administration.

(a) The ~~Office of the Contract Compliance~~ CC Director ~~which~~ who shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, ~~which~~ and whose duties shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program.
- (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
- (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms.
- (4) Establishing Project Specific Goals, in collaboration with the User Department.
- (5) Evaluating Contractors' achievement of Project Specific Goals ~~or~~ and Good Faith Efforts to meet Project Specific Goals.
- (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
- (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
- (8) Collecting data to evaluate the Program and other County contracting initiatives.
- (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.

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(b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:

- (1) Assisting the CC Director with setting Project Specific Goals.
- (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
- (3) **Performing** other activities to support the Program.
- (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
- (5) Submitting subcontracting data as required to the CC Director.

Sec. 34-294. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to ~~businesses~~ Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;

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(h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;

(i) At the discretion of the ~~County~~ CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;

(j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and

(k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

Sec. 34-295. Program eligibility.

(a) Only ~~businesses~~ Businesses that meet the criteria for certification as ~~a~~ an MBE or WBE may participate in the Program. The applicant has the burden of persuasion by a preponderance of the evidence.

(b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.

(2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.

(c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the ~~dispensing~~ disbursing of funds.

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- (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
 - (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
 - (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.
 - (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner posses the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
 - (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.
- (d) Only an independent firm may be certified as a MBE or WBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent ~~business~~ Business, the CC Director will:
- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

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- (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
- (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
- (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the firm's operations and work.

(f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest.. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract.

(g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable to those of the County.

(h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.

(i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.

(j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.

(k) Decertification by another agency shall create a *prima facie* case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.

(l) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification as provided by rule.

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(m) A firm found to be ineligible may not apply for certification for six (6) months after the effective date of the final decision.

(n) A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified form. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the ~~County~~ CC Director renders a final decision.

Sec. 34-296. Annual aspirational goals.

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County construction contracts and subcontracts shall be 24 percent for MBEs and four (4) percent for WBEs.

Sec. 34-297. Project specific goals.

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

Sec. 34-298. Counting MBE and WBE participation.

(a) The entire amount of that portion of a contract that is performed by the MBEs or WBEs own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work of the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).

(b) The entire amount of fees or commissions charged by a MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

(c) When a MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.

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(d) Only expenditures to a MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether a MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. A MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If a MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.

(e) One hundred percent of the cost of the materials or supplies obtained from a MBE or WBE Manufacturer or Regular Dealer shall be counted. One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.

(f) If a firm ceases to be a ~~certified~~ Certified Firm during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(g) In determining achievement of Project Specific Goals, the participation of a MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

Sec. 34-299. Contract pre-award compliance procedures.

(a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid / proposal is due.

(b) Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

(c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the ~~CC~~ Director will consider, at a minimum, the Contractor's efforts to:

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- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.
- (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability MBEs and WBEs to facilitate their participation.
- (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all ~~subcontractable~~ scopes of work that could be subcontracted.
- (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
- (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
- (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.

PRESIDENT continued

PROPOSED ORDINANCE AMENDMENT cont'd

ITEM #1 cont'd

(e) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.

(f) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.

(g) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.

(h) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing ~~Agent~~ Department.

(i) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the ~~User~~ Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

Sec. 34-300. Contract administration procedures.

(a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors ~~in favor of the County and~~ incorporated in the contract.

(b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.

PRESIDENT continued

PROPOSED ORDINANCE AMENDMENT cont'd

ITEM #1 cont'd

(c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.

- (1) All requests for changes or substitutions of a MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute a MBE or WBE subcontractor or perform the work designated for a MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent ~~and in consultation with~~ the User Department, ~~approve~~ approves such substitution in writing. ~~A Contractor shall not allow a substituted subcontractor to begin work until both the Director, Purchasing Agent and the User Department have approved the substitution.~~
- (2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.
- (3) Substitutions of the subcontractor shall be permitted only on the following bases:
 - (i) Unavailability after receipt of reasonable notice to proceed.
 - (ii) Failure of performance.
 - (iii) Financial incapacity.
 - (iv) Refusal by the subcontractor to honor the bid or proposal price.
 - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
 - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
 - (vii) The subcontractor's withdrawal of its bid or proposal.
- (4) The ~~County's~~ final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.

PRESIDENT continued

PROPOSED ORDINANCE AMENDMENT cont'd

ITEM #1 cont'd

- (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (6) If the County requires the substitution of a MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBES and WBEs have a fair opportunity to bid on the new scope of work.
- (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
- (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

Sec. 34-301. Sanctions and penalties.

- (a) The following violations of this subdivision may result in a breach of contract:
 - (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.
 - (2) Committing any other violations of this subdivision.
- (b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed non-responsive in future County solicitations and contracts as determined by the County's Purchasing ~~Ordinance~~ Agent, if it is found to have:

PRESIDENT continued

PROPOSED ORDINANCE AMENDMENT cont'd

ITEM #1 cont'd

- (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;
- (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
- (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
- (4) Failed to comply in good faith with substantive provisions of this subdivision.

Sec. 34-302. ~~Interim program~~ Program review and sunset.

(a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the ~~Interim~~ Program.

(b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.

(c) ~~Commencing on this Chapter's effective date, Within five years after the effective date of this ordinance, the County will retain qualified experts to review the operation of the Program and the evidentiary basis for the Program in order to develop evidence to assist the County in evaluating determine whether if the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.~~

(d) ~~On or before the sunset date of this Chapter, the County shall review the results of this evidence gathering, to determine whether it has a compelling interest in continuing narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.~~

(e) This subdivision shall sunset on or before ~~June 30, 2014~~ June 30, 2016.

Sec. 34-303. Effective date.

This subdivision shall be effective upon ~~90 days after~~ passage.

Secs. 34-304 - 34-310. Reserved.

PRESIDENT
JUDICIAL ADVISORY COUNCIL

INTERGOVERNMENTAL AGREEMENT RENEWAL

ITEM #2

APPROVED

Transmitting a Communication, dated April 13, 2011 from

MARGARET EGAN, Acting Director, Judicial Advisory Council

requesting approval of four (4) Intergovernmental Agreements. These four Child Support Agreements between the State of Illinois/Department of Healthcare and Family Services and Cook County provides the county with \$23,863,930.00 under Title IV-D of the Social Security Act.

The offices of the Cook County State's Attorney, Clerk of the Circuit Court, Sheriff and the Chief Judge each contract separately with the State of Illinois, Department of Healthcare and Family Services, to implement the Child Support Enforcement Program in Cook County. These offices process and record all child support court orders, determine dependant parentage, assess support fee levels, serve all subpoenas, writs, orders, summons and provide locate services for the delivery of court papers.

The agreements for the State's upcoming fiscal year are listed as follows:

Office of the Chief Judge	\$1,571,928.00
Sheriff's Office	2,786,452.00
Clerk of the Circuit Court	7,247,507.00
State's Attorney's Office	<u>12,258,043.00</u>
Total	\$23,863,930.00

The previous agreements for the period were approved by the Board of Commissioners on June 1, 2010 in the amount of \$24,708,268.00.

Estimated Fiscal Impact: None. Grant funds: \$23,863,930.00. Funding period: July 1, 2011 through June 30, 2012.

The Purchasing Agent concurs.

The Budget Department has received all requisite documents and determined the fiscal impact on Cook County, if any.

COMMISSIONERS

RESOLUTIONS

ITEM #3

APPROVED AS AMENDED

Submitting a Resolution sponsored by

TIMOTHY O. SCHNEIDER, BRIDGET GAINER, JESUS G. GARCIA,
PETER N. SILVESTRI, GREGG GOSLIN, EDWIN REYES,
ELIZABETH "LIZ" DOODY GORMAN and JEFFREY R. TOBOLSKI, County Commissioners

Co-Sponsored by

TONI PRECKWINKLE, PRESIDENT AND WILLIAM M. BEAVERS, JERRY BUTLER,
EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY, JOAN PATRICIA MURPHY,
DEBORAH SIMS and LARRY SUFFREDIN, County Commissioners

RESOLUTION

NEW PROCEDURES FOR REVIEWING WORKERS' COMPENSATION CLAIMS

WHEREAS, currently when a workplace accident occurs in the County, the injured employee completes an employee accident report, the employee's supervisor completes an investigation report and any witnesses complete witness reports and then an adjuster from Risk Management makes a determination of whether or not the claim is compensable under the Illinois Workers' Compensation Act; and

WHEREAS, under the current system, the adjusters do not have an opportunity to follow up with the injured employee to ask questions to help them make a determination, and they instead solely rely on the accident reports; and

WHEREAS, an employee without insurance experience might not know all of the information an adjuster needs to make an accurate determination regarding the claim; and

WHEREAS, a system shall be created and implemented that will allow the adjuster to interview the injured employee either in person or by telephone and record a conversation reviewing the details of the accident in order to help the adjuster make an accurate determination on the claim; and

WHEREAS, such a system will help employees, who did not do a good job documenting the accident, get an accurate and appropriate decision regarding their claim and it will help the County discourage and reject fraudulent claims; and

WHEREAS, saving recorded accident interviews will help both the County and the injured employee if details on the accident are needed in the future and at trial; and

COMMISSIONERS continued

RESOLUTIONS continued

ITEM #3 cont'd

WHEREAS, Cook County Risk Management will be responsible for implementing these new Workers' Compensation investigatory procedures and will provide the services necessary to accomplish this purpose; and

WHEREAS, the recordings of investigative interviews shall be preserved by Cook County Risk Management and the State's Attorney's Office shall have access to these recordings when necessary; and

WHEREAS, to facilitate the proper interviewing of all injured employees, this new system shall be created so as to allow interviews and investigations seven days a week, which will allow all employees to report alleged work related injuries within 24 hours from the time of the accident; and

WHEREAS, the interview and recording of witnesses shall also be allowed when deemed appropriate by the facts of a particular case; and

WHEREAS, this Resolution shall in no way obviate the employee's current requirement to complete a written accident report immediately following an alleged work injury. Witnesses shall also complete a written witness statement as is currently the practice; and

WHEREAS, all Departments of Cook County and elected Cook County Offices shall create and implement rules consistent with the intent of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the President and Cook County Board of Commissioners that effective immediately or as soon as possible, recorded interviews be conducted between County adjusters and injured employees, to review and document the details of accidents immediately (and in any event, no later than 24 hours) following an alleged work related accident.

Estimated Fiscal Impact: \$10,000.00.

* * * * *

ITEM #4

APPROVED

Submitting a Resolution sponsored by

TONI PRECKWINKLE, President and JOHN A. FRITCHEY, County Commissioner

Co-Sponsored by

WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY,
BRIDGET GAINER, JESUS G. GARCIA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,
JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI,
DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN and JEFFREY R. TOBOLSKI,
County Commissioners

COMMISSIONERS continued

RESOLUTIONS continued

ITEM #4 cont'd

RESOLUTION

**IN HONOR OF THE MEN AND WOMEN WHO LOST THEIR LIVES
WHILE DEFENDING OUR NATION THIS MEMORIAL DAY 2011**

WHEREAS, formerly known as Decoration Day, Memorial Day is observed on the last Monday of May in commemoration of the U.S. soldiers who died while in the military service; and

WHEREAS, Memorial Day was officially proclaimed on May 5, 1868 by General John Logan, national commander of the Grand Army of the Republic, in his General Order No. 11, in which he calls: "Let us, then, at the time appointed gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of spring-time; let us raise above them the dear old flag they saved from dishonor; let us in this solemn presence renew our pledges to aid and assist those whom they have left among us a sacred charge upon a nation's gratitude, the soldier's and sailor's widow and orphan" and

WHEREAS, Memorial Day was first observed on May 30, 1868, when flowers were placed on the graves of Union and Confederate soldiers at Arlington National Cemetery, and was extended after World War I to honor Americans who have died in all wars; and

WHEREAS, on May 2, 2000, President Bill Clinton issued a Memorandum on the White House Program for the National Moment of Remembrance, "encouraging individual department and agency personnel, and Americans everywhere, to pause for one minute at 3:00 p.m. (local time) on Memorial Day, to remember and reflect on the sacrifices made by so many to provide freedom for all." This important step was followed on December 2000 by the passing of the National Moment of Remembrance Resolution which asks for all Americans "To voluntarily and informally observe in their own way a moment of remembrance and respect, pausing from whatever they are doing for a moment of silence or listening to 'Taps'."

NOW, THEREFORE, BE IT RESOLVED, that the President and Members of the Cook County Board of Commissioners do hereby recognize Monday, May 30, 2011 as Memorial Day, and join and encourage all residents of Cook County to renew our pledge to aid the widows, widowers, and orphans of our fallen dead, to aid the disabled veterans and to commit our minds and hearts to reflect upon the ultimate sacrifices made by those in service to our country; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body.

* * * * *

COMMISSIONERS continued

RESOLUTIONS continued

ITEM #5

APPROVED

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President and GREGG GOSLIN, County Commissioner

PROPOSED RESOLUTION

IN HONOR OF KATHLEEN MILES RETIREMENT

WHEREAS, Kathleen “Kathy” Miles began her career at the Glenview Chamber of Commerce in 1983; and

WHEREAS, during Kathy’s 28 years with the Chamber she ascended to the top position serving as President of the Glenview Chamber of Commerce directing the chamber’s course for over 12 years; and

WHEREAS, in her capacity with the Chamber Kathy Miles served many diverse roles in the Glenview community including service with the Glenview Optimist club, the Independence Day Commission, the Glenview Civic Awards program and managing the popular Holiday in the Park Santa Parade; and

WHEREAS, Kathy Miles professionally organized Chamber events that offered opportunities to its members, such as planning the Annual Street Fest, the Holiday Ball, and monthly fellowship “After Hours” events; and

WHEREAS, Kathy Miles has earned a reputation as a selfless advocate for her hometown of Glenview; and

WHEREAS, Kathy, along with her late husband Steve and their daughter Amy, made Glenview their home and have given back in profound ways to the community.

NOW, THEREFORE, BE IT RESOLVED, that Cook County President Toni Preckwinkle and the entire Board of Commissioners commends Kathy Miles for her years of service on behalf of the Glenview community and retirement from the Glenview Chamber of Commerce; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be tendered to Kathy Miles as a token of our esteem and best wishes in her future endeavors.

COMMISSIONERS continued

CONSENT CALENDAR

ITEM #6

Pursuant to Cook County Code Section 2-107(gg) Consent Calendar, the Secretary to the Board of Commissioners hereby transmits Resolutions for your consideration. The Consent Calendar Resolutions shall be published in the Post Board Action Agenda and Journal of Proceedings as prepared by the Clerk of the Board.

There are 3 Consent Calendar items for the May 17, 2011 Board Meeting.

CC ITEM #1

APPROVED

Submitting a Resolution sponsored by

LARRY SUFFREDIN, County Commissioner

Co-Sponsored by

TONI PRECKWINKLE, PRESIDENT, WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER, JESUS G. GARCIA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE and JEFFREY R. TOBOLSKI, County Commissioners

RESOLUTION

IN MEMORY OF MARSHA ANN KOELLIKER

WHEREAS, Marsha Ann Koelliker, longtime public policy director for Equip for Equality, died April 29, 2011; and

WHEREAS, Mrs. Koelliker received her Bachelor of Arts and Masters Degree from Kent State University, and her Juris Doctorate at the Cleveland Marshall Law School; and

WHEREAS, Mrs. Koelliker became an attorney and worked in Ohio as a staff attorney and court administrator;

WHEREAS, Mrs. Koelliker went to work for Equip for Equality as a research analyst, later being promoted to the position of director of public policy; and

COMMISSIONERS continued

CONSENT CALENDAR continued

ITEM #6 cont'd

CC ITEM #1 cont'd

WHEREAS, Equip for Equality works to advance the human and civil rights of children and adults with physical and mental disabilities in Illinois through self-advocacy assistance, legal services, disability rights education, public policy and legislative advocacy, conducting abuse investigations and other oversight activities; and

WHEREAS, as the Director of Policy, Mrs. Koelliker worked to reform and implement legislation to benefit people with disabilities at the Illinois State Capitol; and

WHEREAS, Mrs. Koelliker's was awarded Equip for Equality's 2008 "Dolly Hallstrom Award for Legislative Excellence" in 2008,

WHEREAS, Mrs. Koelliker's efforts led to bills that increase protections for adults with disabilities who are victims of violence and neglect, enhanced oversight at community-based programs and institutional settings and provisions to safeguard students in special education from locked "time out" (seclusion), restraints and other dangerous practices; and

WHEREAS, Mrs. Koelliker fought to prevent the lowering of a standard for involuntary psychiatric examination and involuntary commitments; and

WHEREAS, Mrs. Koelliker fought to secure training for law enforcement about interactions with individuals with mental illness; and

WHEREAS, Mrs. Koelliker established a coalition of groups that led to the passage of a bill that greatly strengthened the rights of individuals faced with involuntary sterilization; and

WHEREAS, most importantly, Mrs. Koelliker's Marsha's advocacy was always informed by her recognition that all people want to be

WHEREAS, Mrs. Koelliker, a loving wife, is survived by her husband David, her daughter Mildred Davis and her sister Carolyn Hand; and

WHEREAS, Mrs. Koelliker will be deeply missed by all who knew her; and

WHEREAS, the residents of Cook County owes a debt of gratitude to Mrs. Koelliker for her tireless efforts on behalf of people with disabilities; and

COMMISSIONERS continued

CONSENT CALENDAR continued

ITEM #6 cont'd

CC ITEM #1 cont'd

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cook County does hereby offer its deepest condolences and most heartfelt sympathy to the family and friends of Marsha Ann Koelliker and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be spread upon the official proceedings of this Honorable Body and that an official copy of the same be tendered to the family of Marsha Ann Koelliker so that her memory may be so honored and ever cherished.

* * * * *

CC ITEM #2

APPROVED

Submitting a Resolution sponsored by

JOHN P. DALEY, PRESIDENT TONI PRECKWINKLE, WILLIAM M. BEAVERS,
JERRY BUTLER, EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER,
JESUS G. GARCIA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,
JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN
and JEFFREY R. TOBOLSKI, County Commissioners

RESOLUTION

WHEREAS, the students of Bridgeport Catholic Academy have diligently completed training under the aegis of the Cook County Sheriff Tom Dart's Drug Abuse Resistance Education program (D.A.R.E.); and

WHEREAS, the increasing pressure from undesirable social factors has the potential to lead today's youth astray, thus programs like D.A.R.E. are necessary to provide students with the knowledge, self-esteem, and strength of character to resist such pressure; and

WHEREAS, the students have benefited from the positive classroom environment maintained by their teacher Ms. Bulanda; and

WHEREAS, the students of Bridgeport Catholic Academy have pledged to practice the D.A.R.E. principals of saying "No" to the use of illegal drugs, and "Yes" to the benefits of a good education.

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Commissioners of Cook County salute the following students from Bridgeport Catholic Academy on their outstanding achievements:

COMMISSIONERS continued

CONSENT CALENDAR continued

ITEM #6 cont'd

CC ITEM #2 cont'd

Amanda Acosta, Nikolas Anaya, Abigail Bania, Amber Bester, David Bonsu, Sandy Caizaguano, Enrique Carrillo, Bevin Carter, Gavin Chavez, Tyler Cichy, Kaitlin Cook, Valerie Corral, Nicolas DeSanti, Taylor Duddleston, Calvyn Garcia, Francis Garcia, Nick Gutierrez, Emily Johns, Nora Kiely, Cormac Kozicki, Megan Lewis, Adeline Molloy, Kari Quintana, Genesis Ramirez, and Lottie Tkachuk

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to the above class of Bridgeport Catholic Academy as a symbol of their fine work and bright future as young citizens of their community.

* * * * *

CC ITEM #3

APPROVED

Submitting a Resolution sponsored by

TONI PRECKWINKLE, President and JOHN A. FRITCHEY, County Commissioner

Co-Sponsored by

WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, BRIDGET GAINER, JESUS G. GARCIA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER, DEBORAH SIMS, PETER N. SILVESTRI, ROBERT B. STEELE, LARRY SUFFREDIN and JEFFREY R. TOBOLSKI,
County Commissioners

RESOLUTION

**THE TWENTY-SIXTH ANNUAL INTERFAITH MEMORIAL SERVICE
FOR COOK COUNTY INDIGENT PERSONS**

WHEREAS, as Cook County resolves to foster a system in which all people are afforded respect and dignity after death, regardless of their fortune in life; and

WHEREAS, the proper burial and memorial of the County's indigent, unclaimed and unknown is a responsibility upon which the County Board places heavy importance; and

COMMISSIONERS continued

CONSENT CALENDAR continued

ITEM #6 cont'd

CC ITEM #3 cont'd

WHEREAS, a special service was established by the late W. Earl Lewis to honor these least fortunate members of our society, because in the words of Lewis, "To live and die alone is a human tragedy, but not to be remembered and mourned after earthly life is an ugly blemish on human dignity;" and

WHEREAS, on May 25, 2011, The First United Methodist Church at the Chicago Temple will celebrate the lives of over 150 of the County's indigent decedents in *The Twenty-Sixth Annual Interfaith Memorial Service for Indigent Persons*; and

WHEREAS, this ceremony, led by Senior Pastor Rev. Phillip L. Blackwell, invites all residents of Chicago and Cook County, regardless of faith and belief, to join in the celebration of these important lives; and

WHEREAS, this memorial is a shining example of our community coming together to serve as a surrogate family for those who have died poor and alone, so that in prayer and reverence their memories shall be honored.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners expresses solidarity in this celebration of life, and conveys their gratitude to The First United Methodist Church at the Chicago Temple as they continue in their annual tradition of hosting this meaningful memorial ceremony.

COMMITTEE REPORTS

ITEM #7

Capital Improvements.....April 26, 2011
..... recessed and reconvened on May 16, 2011

APPROVED

Commissioner Collins voted "no" on the deferral of work to be done at the Maywood Courthouse.

Criminal Justice (Public Hearing).....Meeting of May 11, 2011

APPROVED

Health & Hospitals..... Meeting of May 12, 2011

APPROVED

Legislation and Intergovernmental Relations Meeting of May 17, 2011

APPROVED

COMMISSIONERS continued

COMMITTEE REPORTS continued

ITEM #7 cont'd

Finance Subcommittee on Worker's Compensation Meeting of May 4, 2011

APPROVED

Finance Subcommittee on Litigation Meeting of May 4, 2011

APPROVED

Rules and Administration Meeting of May 17, 2011

APPROVED

Finance Meeting of May 17, 2011

APPROVED

Zoning and Building Meeting of May 17, 2011

APPROVED

Roads and Bridges Meeting of May 17, 2011

APPROVED

BUREAU OF ADMINISTRATION
HIGHWAY DEPARTMENT

PERMISSION TO ADVERTISE

ITEM #8

APPROVED

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

The following project is presented to your Honorable Body for adoption and authorization for advertising for bids after all appropriate approvals of the plans, specifications, proposals and the estimates have been obtained for receipt of Contractor's bids:

<u>LOCATION</u>	<u>TYPE</u>	<u>SECTION NUMBER</u>
Electrical and Mechanical Items - 2012	Annual Maintenance Contract	12-8EMIM-40-GM

I respectfully request that your Honorable Body concur in this recommendation (600-600 Account).

* * * * *

ITEM #9

APPROVED

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

The following projects are presented to your Honorable Body for adoption and authorization for advertising for bids after all appropriate approvals of the plans, specifications, proposals and the estimates have been obtained for receipt of Contractor's bids:

<u>LOCATION</u>	<u>TYPE</u>	<u>SECTION NUMBER</u>
Crawford Avenue, Lincoln Avenue to Golf Road (Simpson Street) in the Villages of Lincolnwood and Skokie in County Board District #13	Patch or replace concrete pavement and bituminous resurfacing	11-W4337-04-RS

I respectfully request that your Honorable Body concur in this recommendation (600-600 Account).

BUREAU OF ADMINISTRATION
HIGHWAY DEPARTMENT

IMPROVEMENT RESOLUTION

ITEM #10

APPROVED

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent

Submitting for your approval ONE (1) IMPROVEMENT RESOLUTION:

1. Motor Fuel Tax Project
Improvement Resolution
Crawford Avenue,
Lincoln Avenue to Golf Road (Simpson Street)
in the Villages of Lincolnwood and Skokie in County Board District #13
Section: 11-W4337-04-RS
Centerline Mileage: 3.57 miles
Motor Fuel Tax Fund (600-600 Account)

MAINTENANCE RESOLUTION

ITEM #11

APPROVED

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Submitting for your approval ONE (1) MAINTENANCE RESOLUTION:

1. Motor Fuel Tax Project
Highway Maintenance Resolution
Electrical and Mechanical Items Maintenance for Calendar Year 2012
Various Locations Countywide
Section: 12-8EMIM-40-GM
Motor Fuel Tax Fund (600-600 Account)

BUREAU OF ADMINISTRATION
HIGHWAY DEPARTMENT

CONTRACTS AND BONDS

ITEM #12

APPROVED

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

transmitting Contracts and Bonds executed by the contractors for approval and execution as requested by the Superintendent of Highways.

The Contractors have properly executed the following Contracts and Bonds:

<u>ITEM</u>	<u>SECTION</u>	<u>BIDDER</u>
Sauk Trail, Harlem Avenue to Ridgeland Avenue	11-C1125-02-RS	K-Five Construction Corporation

Total Contract Amount: \$390,560.05. Date Advertised: February 15, 2011. Date of Bid Opening: March 3, 2011. Date of Board Award: April 6, 2011.

<u>ITEM</u>	<u>SECTION</u>	<u>BIDDER</u>
Striping Intersections and Crosswalks Countywide	11-8STIC-32-GM	A.C. Pavement

Total Contract Amount: \$886,139.20. Date Advertised: February 15, 2011. Date of Bid Opening: March 3, 2011. Date of Board Award: April 6, 2011.

CHANGES IN PLANS AND EXTRA WORK

ITEM #13

REFERRED TO THE COMMITTEE ON ROADS AND BRIDGES

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Submitting two (2) changes in plans and extra work:

BUREAU OF ADMINISTRATION
HIGHWAY DEPARTMENT continued

CHANGES IN PLANS AND EXTRA WORK continued

ITEM #13 cont'd

1. Section: 10-8STIC-31-GM. Striping Intersections and Crosswalks – 2010. Countywide. First and final adjustment of quantities. \$284,291.60 (Deduction).

#312739

2. Section: 00-B1003-05-RP. Group 1-2009. West Bartlett Road, Spitzer Road to IL Route 59; and Munger/Naperville Road, DuPage County Line to West Bartlett Road in the City of Elgin, the Village of Bartlett and in unincorporated Hanover Township in County Board District #15. Adjustment of Quantities and New Items. \$161,766.09 (Addition).

#312740

BUREAU OF TECHNOLOGY

CONTRACT ADDENDUM

ITEM #14

APPROVED

Transmitting a Communication, dated April 15, 2011 from

GREG WASS, Chief Information Officer, Bureau of Technology

requesting authorization for the Purchasing Agent to extend for one (1) year, Contract No. 09-41-221 with Dell Marketing L.P., Round Rock, Texas, for computer software, software maintenance and support services.

Reason: The contract extension is needed to allow county agencies to continue to acquire computer software and maintenance related to technology initiatives and updates of existing software licenses. Approximately \$1,400,000.00 remains on this contract. The expiration date of the current contract is June 30, 2011.

Estimated Fiscal Impact: None. Contract extension: July 1, 2011 through June 30, 2012.

Vendor has met the Minority and Women Business Enterprise Ordinance.

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ITEM #15

APPROVED

Transmitting a Communication, dated April 15, 2011 from

GREG WASS, Chief Information Officer, Bureau of Technology

requesting authorization for the Purchasing Agent to extend for one (1) year, Contract No. 09-41-227 with System Solutions, Inc., Northbrook, Illinois, for computer hardware, software, peripheral equipment and support services.

Reason: The time only extension is needed to allow county agencies to continue to acquire and support computer equipment related to new technology initiatives and replacement of outdated equipment due to computer obsolescence. Approximately \$12,000,000.00 remains on this contract. The expiration date of the current contract is July 6, 2011.

Estimated Fiscal Impact: None. Contract extension: July 7, 2011 through July 7, 2012.

Vendor has met the Minority and Women Business Enterprise Ordinance.

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF BUILDING AND ZONING

WAIVER OF PERMIT FEES

ITEM #16

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a No Fee Permit for the South Palos Township Sanitary District for lift station upgrade/accessory Building A at 12800 84th Street, Palos Park, Illinois in Palos Township, County Board District #17.

Permit #:	101106
Requested Waived Fee Amount 100%:	\$890.38

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that all building and zoning permit fees be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library district and all other local governmental bodies.

Estimated Fiscal Impact: \$890.38.

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ITEM #17

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a No Fee Permit for the South Palos Township Sanitary District for lift station upgrade/accessory Building B at 12898 85th Court, Palos Park, Illinois in Palos Township, County Board District #17.

Permit #:	101105
Requested Waived Fee Amount 100%:	\$1,190.38

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that all building and zoning permit fees be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library district and all other local governmental bodies.

Estimated Fiscal Impact: \$1,190.38.

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BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF BUILDING AND ZONING continued

WAIVER OF PERMIT FEES continued

ITEM #18

APPROVED

Transmitting a Communication, dated April 13, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a No Fee Permit for the Chicago Zoological Society/Brookfield Zoo for water service repairs/administration building at 3300 South Golf Road, Brookfield, Illinois, in Proviso Township, County Board District #16.

Permit #:	110128
Requested Waived Fee Amount 100%:	\$126.00

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that all building and zoning permit fees be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library district and all other local governmental bodies.

Estimated Fiscal Impact: \$126.00.

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ITEM #19

APPROVED

Transmitting a Communication, dated April 13, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a No Fee Permit for the Chicago Zoological Society/Brookfield Zoo for water service repairs/administration annex-security at 3300 South Golf Road, Brookfield, Illinois, in Proviso Township, County Board District #16.

Permit #:	110129
Requested Waived Fee Amount 100%:	\$126.00

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that all building and zoning permit fees be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library district and all other local governmental bodies.

Estimated Fiscal Impact: \$126.00.

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BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF BUILDING AND ZONING continued

WAIVER OF PERMIT FEES continued

ITEM #20

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a No Fee Permit for the Chicago Zoological Society/Brookfield Zoo for water service repairs/Wildwind Trading Post at 3300 South Golf Road, Brookfield, Illinois, in Proviso Township, County Board District #16.

Permit #:	110130
Requested Waived Fee Amount 100%:	\$126.00

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that all building and zoning permit fees be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library district and all other local governmental bodies.

Estimated Fiscal Impact: \$126.00.

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ITEM #21

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a No Fee Permit for the Chicago Zoological Society/Brookfield Zoo for water service repairs/library at 33 South Golf Road, Brookfield, Illinois in Proviso Township, County Board District #16.

Permit #:	110131
Requested Waived Fee Amount 100%:	\$126.00

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that all building and zoning permit fees be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library district and all other local governmental bodies.

Estimated Fiscal Impact: \$126.00.

100% WAIVED REQUESTS TO BE APPROVED:	\$126.00
100% WAIVED REQUESTS APPROVED FISCAL YEAR 2011 TO PRESENT:	\$13,198.88

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BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF BUILDING AND ZONING continued

WAIVER OF PERMIT FEES continued

ITEM #22

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a 10% Reduced Fee Permit for St. Luke Orthodox Church for gazebo with light at 10700 South Kean Avenue, Palos Hills, Illinois in Palos Township, County Board District #17.

Permit #:	102075
Total Fee Amount:	\$465.00
Requested Waived Fee Amount 90%:	\$418.50
Amount Due 10%:	\$46.50

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that valid not-for-profit organizations be required to pay ten percent 10% of the standard permit fee as established by Ordinance.

Estimated Fiscal Impact: \$418.50.

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ITEM #23

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a 10% Reduced Fee Permit for Fourth Avenue Gospel Building Inc., for temporary tents at 2640 Landen, Melrose Park, Illinois in Leyden Township, County Board District # 16.

Permit #:	110559
Total Fee Amount:	\$1,875.00
Requested Waived Fee Amount 90%:	\$1,687.50
Amount Due 10%:	\$187.50

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF BUILDING AND ZONING continued

WAIVER OF PERMIT FEES continued

ITEM #23 cont'd

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that valid not-for-profit organizations be required to pay ten percent [10%] of the standard permit fee as established by Ordinance.

Estimated Fiscal Impact: \$1,687.50.

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ITEM #24

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a 10% Reduced Fee Permit for Lubavitch-Chabad of Niles for interior remodeling at 9401 North Margail, DesPlaines, Illinois, in Maine Township, County Board District #17.

Permit #:	100587
Total Fee Amount:	\$3,081.88
Requested Waived Fee Amount 90%:	\$2,773.70
Amount Due 10%:	\$308.18

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that valid not-for-profit organizations be required to pay ten percent 10% of the standard permit fee as established by Ordinance.

Estimated Fiscal Impact: \$2,773.70.

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ITEM #25

APPROVED

Transmitting a Communication, dated April 14, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of a 10% Reduced Fee Permit for Peace Memorial Church for new sign at 10300 West 131st Street, Palos Park, Illinois in Palos Township, County Board District #17.

Permit #:	102118
Total Fee Amount:	\$270.00
Requested Waived Fee Amount 90%:	\$243.00
Amount Due 10%:	\$27.00

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF BUILDING AND ZONING continued

WAIVER OF PERMIT FEES continued

ITEM #25 cont'd

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that valid not-for-profit organizations be required to pay ten percent 10% of the standard permit fee as established by Ordinance.

Estimated Fiscal Impact: \$243.00.

90% WAIVED REQUESTS TO BE APPROVED:	\$243.00
90% WAIVED REQUESTS APPROVED FISCAL YEAR 2011 TO PRESENT:	\$28,460.88

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT

PROPOSED RESOLUTION

ITEM #26

REFERRED TO THE FINANCE SUBCOMMITTEE ON REAL ESTATE AND BUSINESS AND ECONOMIC DEVELOPMENT, AS AMENDED #312741
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Transmitting a Communication, dated April 28, 2011 from

HERMAN BREWER, Director, Department of Capital Planning and Policy
Bureau of Economic Development

respectfully submitting this resolution regarding Ascent CH2, LLC's request for a Class 6b property tax incentive located at 505-520 Railroad Avenue, ~~Elk Grove Village~~ Northlake, Illinois. The applicant is a data center developer who intends to develop a multi-tenant facility.

Ascent CH2, LLC requests approval of the tax incentive based on the special circumstances that the property has been vacant for less than 24 months; has been purchased for value; and that substantial rehabilitation will be completed under the Class 6b Ordinance. This resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT continued

PROPOSED RESOLUTIONS continued

ITEM #26 cont'd

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Ascent CH2, LLC and Resolution No. R-11-2010 from the City of Northlake for an abandoned industrial facility located at 505 - 520 Railroad Avenue, Northlake, Cook County, Illinois, County Board District #17, Property Index Numbers 12-31-200-023-0000 and 12-31-200-025-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for 14 months at the time of application, and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 400 new full-time jobs and 50 part-time jobs; and create 500 construction jobs; and

WHEREAS, the City of Northlake states that the Class 6b tax incentive is necessary for development to occur on this specific real estate. The City resolution has determined that the property is functionally obsolete for modern industrial purposes and therefore is in need of substantial rehabilitation. The further use of this subject property will provide significant present and future employment, both temporary and permanent; and will generate significant new revenues to the City in the form of additional real estate taxes and other tax revenues; and

WHEREAS, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT continued

PROPOSED RESOLUTIONS continued

ITEM #26 cont'd

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 505 - 520 Railroad Avenue, Northlake, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

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ITEM #27

REFERRED TO THE FINANCE SUBCOMMITTEE ON REAL ESTATE AND BUSINESS AND ECONOMIC DEVELOPMENT #312742

Transmitting a Communication, dated April 28, 2011 from

HERMAN BREWER, Director, Department of Capital Planning and Policy
Bureau of Economic Development

respectfully submitting this Resolution regarding New Great Wall Realty, LLC's request for a Class 6b property tax incentive for special circumstances and substantial rehabilitation for an industrial building located at 950 Arthur Avenue, Elk Grove Village, Illinois. Applicant/owner's company is Great Wall Restaurant Supplier, Inc., a warehousing and distribution Seafood Company. The company has many locations around the country and will relocate its national headquarters to the subject property.

New Great Wall Realty, LLC requests approval of the tax incentive based on the special circumstances that the property has been vacant for less than 24 months; has been purchased for value; and substantial rehabilitation will be completed under the Class 6b Ordinance. This Resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, and ELIZABETH "LIZ" DOODY Gorman, County Commissioner

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT continued

PROPOSED RESOLUTIONS continued

ITEM #27 cont'd

WHEREAS, the County Board of Commissioners has received and reviewed an application from New Great Wall Realty, LLC and Resolution No. 57-10 from the Village of Elk Grove Village for an abandoned industrial facility located at 950 Arthur Avenue, Elk Grove Village, Cook County, Illinois, County Board District #17, Property Index Number 08-34-307-012-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for nine (9) months at the time of application and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 25-30 new full-time jobs, with 75% being new hires and the applicant will hire roughly an additional 20-25 employees in the first five years; and the estimated number of construction jobs are to be determined; and

WHEREAS, the Village of Elk Grove Village states that the Class 6b tax incentive is necessary for development to occur and that special circumstances exist which include the subject property has been vacant for less than 24 months, and there has been a purchase for value. The applicant plans to invest approximately \$1,000,000.00 to \$1,500,000.00 to refurbish the existing facility; and

WHEREAS, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT continued

PROPOSED RESOLUTIONS continued

ITEM #27 cont'd

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 950 Arthur Avenue, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

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ITEM #28

REFERRED TO THE FINANCE SUBCOMMITTEE ON REAL ESTATE AND BUSINESS AND ECONOMIC DEVELOPMENT #312743

Transmitting a Communication, dated April 28, 2011 from

HERMAN BREWER, Director, Department of Capital Planning and Policy
Bureau of Economic Development

respectfully submitting this Resolution regarding Peter Guglielmi's a/k/a Standard Bank & Trust as Trustee under the provision of trust agreement dated January 27, 2010, known as Trust Number 20762 request for a Class 8 property tax incentive located at 2138 West 183rd Street, Homewood, Illinois. The applicant's plans include a substantial rehabilitation of the existing Mobil Gas Station and Mini Mart Convenient store at the site.

Peter Guglielmi requests approval of the tax incentive based on the special circumstances that the property has been vacant for over 24 months; will have no purchase for value; and that substantial rehabilitation will be completed under the Class 8 Ordinance. This Resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, and JOAN PATRICIA MURPHY, County Commissioner

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8 that provides an applicant a reduction in the assessment level for a commercial facility; and

BUREAU OF ECONOMIC DEVELOPMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT continued

PROPOSED RESOLUTIONS continued

ITEM #28 cont'd

WHEREAS, the County Board of Commissioners has received and reviewed an application from Peter Guglielmi a/k/a Standard Bank & Trust as Trustee under the provision of trust agreement dated January 27, 2010, known as Trust Number 20762 and Resolution No. R-2023 from the Village of Homewood for an abandoned commercial facility located at 2138 West 183rd Street, Homewood, Cook County, Illinois, County Board District #6, Property Index Numbers 29-31-315-012-0000 and 29-31-315-013-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for the purpose of Class 8; and

WHEREAS, in the case of abandonment of over 24 months and no purchase for value by a disinterested buyer, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 8 requires a resolution by the County Board validating the property is deemed abandoned for the purposes of Class 8; and

WHEREAS, the Cook County Board of Commissioners has determined that the building has been abandoned for 38 months at the time of application with no purchase for value and that special circumstances are present; and

WHEREAS, the re-occupancy will create an estimated four (4) new full-time jobs, six (6) new part-time jobs and 12 to 15 construction jobs and the Village of Homewood states the Class 8 is necessary for development to occur on this specific real estate and the municipal resolution cites the special circumstances include that the property has been vacant for over 24 months; will have no purchase for value; and is in need of substantial rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 2138 West 183rd Street, Homewood, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 8; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

BUREAU OF HUMAN RESOURCES

REPORT

ITEM #29

RECEIVED AND FILED

Transmitting a Communication, dated June 1, 2011 from

MAUREEN O'DONNELL, Bureau Chief of Human Resources
and
CONSTANCE M. KRAVITZ, C.P.A., County Comptroller

submitting the Human Resources Activity Report covering the two (2) week pay period ending April 9, 2011.

OFFICE OF THE CHIEF JUDGE
JUDICIARY

GRANT AWARD RENEWAL

ITEM #30

APPROVED

Transmitting a Communication, dated April 26, 2011 from
TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

requesting authorization to renew a grant in the amount of \$94,705.00 from the Illinois Department of Healthcare and Family Services (IDHFS), Division of Child Support Enforcement. This grant, made available through IDHFS's Access and Visitation Program, is administered by the Office of the Chief Judge to facilitate access to and visitation of children by their noncustodial parents. The funds are used to provide mediation and conciliation services and parenting education to noncustodial parents who have never been married to the custodial parents. The program supported by the grant enhances existing services provided by the Circuit Court's Office of Marriage and Family Counseling.

The authorization to accept the previous grant was given on September 1, 2010 by the Cook County Board of Commissioners in the amount of \$96,638.00.

A cash match is not required, but the program requires supplemental county funding for salary and fringe benefits.

Estimated Fiscal Impact: \$41,873.00. Grant Award: \$94,705.00. Funding period: July 1, 2011 through June 30, 2012. (310-818 Account).

The Budget Department has received all requisite documents and determined the fiscal impact on Cook County, if any.

OFFICE OF THE CHIEF JUDGE
SOCIAL SERVICE DEPARTMENT

APPROVAL OF PAYMENTS

ITEM #31

APPROVED

Transmitting a Communication, dated April 19, 2011 from
TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

requesting approval of payment in the amount of \$7,590.20 to Salvation Army, Chicago, Illinois, for court-ordered counseling services to defendants convicted of domestic violence offenses.

OFFICE OF THE CHIEF JUDGE
SOCIAL SERVICE DEPARTMENT continued

APPROVAL OF PAYMENTS continued

ITEM #31 cont'd

Reason: The Social Service Department, Circuit Court of Cook County provides case management services for misdemeanor probationers. Such services are an integral part of the department's program interventions, designed to stop offender violence and intimidating behaviors. This vendor was originally selected from a Request for Proposal (RFP) process in 2008. The additional payment is necessary because more defendants than anticipated attended the vendor's counseling sessions.

Estimated Fiscal Impact: \$7,590.20. (541-260 Account).

Sufficient funds are available in the Social Service/Probation and Court Services Fund.

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ITEM #32

APPROVED

Transmitting a Communication, dated April 19, 2011 from

TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

requesting approval of payment in the amount of \$1,336.80 to Crisis Center for South Suburbia, Tinley Park, Illinois, for court-ordered counseling services to defendants convicted of domestic violence offenses.

Reason: The Social Service Department, Circuit Court of Cook County provides case management services for misdemeanor probationers. Such services are an integral part of the department's program interventions, designed to stop offender violence and intimidating behaviors. This vendor was originally selected from a Request for Proposal (RFP) process in 2008. The additional payment is necessary because more defendants than anticipated attended the vendor's counseling sessions.

Estimated Fiscal Impact: \$1,136.80. (541-260 Account).

Sufficient funds are available in the Social Service/Probation and Court Services Fund.

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OFFICE OF THE CHIEF JUDGE
SOCIAL SERVICE DEPARTMENT continued

APPROVAL OF PAYMENTS continued

ITEM #33

APPROVED

Transmitting a Communication, dated April 19, 2011 from

TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

requesting approval of payment in the amount of \$5,262.40 to Healthcare Alternative Systems, Chicago, Illinois, for counseling services to defendants convicted of domestic violence offenses.

Reason: The Social Service Department, Circuit Court of Cook County provides case management services for misdemeanor probationers. Such services are an integral part of the department's program interventions, designed to stop offender violence and intimidating behaviors. This vendor was originally selected as a result of a Request for Proposal (RFP) process in 2008. This additional payment is necessary to pay for October 2010 and November 2010 services because more defendants than anticipated attended the vendor's counseling sessions.

Estimated Fiscal Impact: \$5,262.40. (541-260 Account).

Sufficient funds are available in the Social Service/Probation and Court Services Fund.

CLERK OF THE CIRCUIT COURT

CONTRACT ADDENDUM

ITEM #34

APPROVED

COMMISSIONER FRITCHEY VOTED "NO".

Transmitting a Communication, dated April 25, 2011 from

DOROTHY A. BROWN, Clerk of the Circuit Court

requesting authorization for the Purchasing Agent to extend for one (1) year, Contract No. 08-41-318 with AmCad, LLC, Broadway, Virginia, for the implementation of an Imaging and Document Management Storage System (IDMS) for the Office of the Clerk of the Circuit Court.

Reason: The extension is needed in order to have sufficient time to complete the enhancement and development of the Imaging and Document Management Storage System (IDMS) and to be able to continue with the scope of work as indicated in the Request for Proposal (RFP). Approximately \$978,064.00 remains on this contract. The expiration date of the current contract is June 30, 2011.

Estimated Fiscal Impact: None. Contract extension: July 1, 2011 through June 30, 2012.

Vendor has met the Minority and Women Business Enterprise Ordinance.

OFFICE OF THE SHERIFF
SHERIFF'S DEPARTMENT OF FISCAL ADMINISTRATION AND
SUPPORT SERVICES

PROPOSED APPOINTMENT

ITEM #35

REFERRED TO THE COMMITTEE ON LEGISLATION AND INTERGOVERNMENTAL RELATIONS #312744

Transmitting a Communication, dated May 5, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS A. HERRERA, Chief Financial Officer

I hereby appoint Mr. John R. Rosales to the Cook County Sheriff's Merit Board, to fill the vacancy left by Mr. Daniel Lynch, for a term to begin immediately and expire on March 19, 2012.

Pursuant to Chapter 55 ILCS 5/3-7002, I hereby request the advice and consent of the Cook County Board of Commissioners relative to the appointment of Mr. John R. Rosales.

I submit this communication for your approval.

OFFICE OF THE STATE'S ATTORNEY

PENDING LITIGATION

ITEM #36

REFERRED TO THE FINANCE LITIGATION SUBCOMMITTEE

Transmitting a Communication, dated April 19, 2011 from

ANITA ALVAREZ, Cook County State's Attorney

by

PATRICK T. DRISCOLL, JR., Deputy State's Attorney, Chief, Civil Actions Bureau

respectfully request permission to discuss the following cases with the Board or the appropriate committee thereof:

1. Moises Bohena v. Sims, et al., Case No. 11-C-0086

#312745

2. Mykala Dandridge v. County of Cook, Case No. 11-L-276

#312746

3. Dorothy Lucas, M.D. v. Cook County, Case No. 09-L-11982

#312747